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PILLSBURY WINTHROP SHAW PITTMAN LLP
1650 TYSONS BOULEVARD
MCLEAN, VA 22102

EXAMINER	
PHAM, THOMAS K	
ART UNIT	**PAPER NUMBER**
2121	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/828,904	CONTRACTOR, SUNIL H.	
	Examiner	Art Unit	
	Thomas K. Pham	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24,26-51 and 53-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24,26-51 and 53-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. This action is in response to the amendment filed on 09/06/2005.

2. Applicant arguments have been considered but they are not persuasive.

Quotations of U.S. Code Title 35

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

5. Claims 1-6, 9-17, 30-36, 38-44, 51 and 53-55 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,870,724 ("Lawlor").

Regarding claim 1

Lawlor teaches a method for contacting a user, comprising:

- electronically receiving online session data that specifies users who have ended recent online sessions (col. 31 lines 48-59, "... central computer 52 may then provide limited user information ... immediately in real-time ... as soon as the user disconnects his terminal ...");
- processing on a computer processor ("central computer 52") the online session data to identify users to call (col. 31 lines 49-52, "central computer 52 ... provide ... user information...") who have recently ended their online sessions (col. 31 lines 57-59, "... as soon as the user disconnects his terminal ..."); and
- calling the users who have recently ended their online sessions (col. 31 lines 57-59, "The advertiser may then call the user as soon as the user disconnects his terminal ...").

Regarding claim 30

Lawlor teaches a system for contacting a user, comprising:

- means for receiving online session data that specifies users who have ended recent online sessions (col. 31 lines 48-59, "... central computer 52 may then provide limited user information ... immediately in real-time ... as soon as the user disconnects his terminal ...");

- means for processing the online session data to identify users to call (col. 31 lines 49-52, "central computer 52 ... provide ... user information...") who have recently ended their online sessions (col. 31 lines 57-59, "... as soon as the user disconnects his terminal ..."); and
- means for calling the users who have recently ended their online sessions (col. 31 lines 57-59, "The advertiser may then call the user as soon as the user disconnects his terminal ...").

Regarding claim 10

Lawlor teaches a method of identifying users to a caller, comprising:

- detecting the end of an online session of a user (col. 31 lines 57-59, "... as soon as the user disconnects his terminal ...");
- storing a record of the online session that indicates that the online session of the user has recently ended (col. 31 lines 48-52, "If the user requests further information ... central computer 52 ... provide limited user information (e.g., name and telephone number) ..."); and
- transmitting the record to a caller to cause the caller to place a call to the user after the online session has ended (col. 31 lines 53-59, "... user information is to pass it to the advertiser ... as soon as the user disconnects his terminal ...").

Regarding claim 40

Lawlor teaches a system for dentifying users to a caller, comprising:

- means for detecting the end of an online session of a user (col. 31 lines 57-59, "... as soon as the user disconnects his terminal ...");

- means for storing a record of the online session that indicates that the online session of the user has recently ended (col. 31 lines 48-52, "If the user requests further information ... central computer 52 ... provide limited user information (e.g., name and telephone number) ..."); and
- means for transmitting the record to a caller to cause the caller to place a call to the user after the online session has ended (col. 31 lines 53-59, "... user information is to pass it to the advertiser ... as soon as the user disconnects his terminal ...").

Regarding claim 51

Lawlor teaches a system for identifying users to call, comprising:

- a remote access server for determining when an online session of a user has ended (col. 31 lines 57-59, "... as soon as the user disconnects his terminal ...");
- a memory for storing online session data including data sufficient to identify the time the online session of a user ended (col. 31 lines 48-52, "If the user requests further information ... central computer 52 ... provide limited user information (e.g., name and telephone number) ...");
- an output module for sending the online session data to a third party caller to cause the third party to place a call to the user after the online session of the user has ended(col. 31 lines 53-59, "... user information is to pass it to the advertiser ... as soon as the user disconnects his terminal ...").

Regarding claim 2

Lawlor teaches the online session data identifies a user that has completed an Internet session. (col. 31 lines 52-59).

Regarding claims 3, 15, 38 and 53

Lawlor teaches the online session data includes a phone number (col. 3 lines 51).

Regarding claims 4, 16 and 55

Lawlor teaches the online session data includes a phone number and an address (col. 32 lines 5-12).

Regarding claims 5, 6, 17 and 36

Lawlor teaches a determination of the time and the time interval since an Internet session was completed (col. 31 lines 52-59).

Regarding claims 9, 11, 12 and 44

Lawlor teaches a third party other than the ISP and other than the user receives the session data (col. 31 lines 48-52); the third party is a telemarketer (col. 31 line 54).

Regarding claim 13

Lawlor teaches transmitting is performed in substantially real time relative to the step of storing (col. 31 lines 52-55).

Regarding claim 14

Lawlor teaches the transmitting is performed in real-time (col. 31 lines 52-55, it should be noted that real-time must be within fifteen minutes).

Regarding claim 42

Lawlor teaches the online session data includes a phone number and the end time of an online session (col. 31 lines 48-57).

Regarding claim 39

Lawlor does not teach the step of repeating phone calls to users is automated. "Official Notice" is take for the concept and advantage of automatically redial/dial phone calls is well known and expected in the art. U.S. Patent 6,438,599 discloses the telephone initiator can be done automatically by a computer software (see col. 5 lines 42-45).

Regarding claim 31

Lawlor teaches the means for receiving online session data comprises means for communicating with an Internet Service Provider (ISP) (col. 31 lines 48-52).

Regarding claims 32, 33, 34, 35 and 43

Lawlor does not teach communicating comprises access to e-mail, a Web site, a facsimile or a direction connection for receiving a file containing the online session data. "Official Notice" is taken for both the concepts and advantages of ISP providing subscribers' online session data via a Web site or providing in form of a file is well known and expected in the art. A news report "Harried America Online Customers Now Face Calls by Telemarketers" by Boston Globe on July 24, 1997 said that AOL is partnering with a Connecticut-based marketing firm (CUC) to sell products through a Web site shopping mall and also providing CUC files of member phone numbers for use in marketing effort.

Regarding claim 41

Lawlor teaches detecting comprises a remote access server (col. 31 lines 52-59).

Regarding claim 54

Lawlor teaches the online session data includes a name (col. 31 line 51).

Claim Rejections - 35 USC § 103

6. Claims 7-8, 18-24, 26-29, 37 and 45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor in view of U.S. Patent 6,272,126 ("Strauss").

Regarding claims 18 and 45

Lawlor teaches contacting users, comprising: placing calls to users based on online session data that specifies users who recently ended an online session (col. 31 lines 48-59, "... central computer 52 may then provide limited user information ... immediately in real-time ... as soon as the user disconnects his terminal ...").

Lawlor does not teach storing call details for calls not successfully completed; comparing the call details to online session data; and repeating phone calls to users that were previously unsuccessfully called based on the step of comparing.

However, Strauss teaches storing call details for calls not successfully completed (abstract, "... In according with the invention, monitor equipment ... into a relational database ... "); detecting any busy or failed calls to ISP for translation (comparison) in order to notify the originating called party (col. 10 lines 3-15, *It should be noted that the ISP must compare the fail calls data with the online data in order to get the contact information of the called party.*); and repeating phone calls to users that were previously unsuccessfully called based on the step of comparing (col. 12 lines 52-54) for the purpose of providing simple and convenient dialing to users (see col. 5 lines 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the calls handing method of Strauss with the targeting advertising system of Lawlor because it would provide for the purpose of providing simple and convenient dialing to users.

Regarding claims 7 and 37

Lawlor does not disclose generating one or more data related to failed calls to users; and comparing the session data to one or more data related to failed calls to users.

However, Strauss teaches upon detecting a busy signal or failed call, the system generates a datagram busy signal or failed call for sending to the original ISP for translation (comparison) and deliver to the originating called party (col. 10 lines 3-15, *It should be noted that the ISP must compare the fail calls data with the online data in order to get the contact information of the called party.*) for the purpose of providing simple and convenient dialing to users (see col. 5 lines 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the calls handing method of Strauss with the targeting advertising system of Lawlor because it would provide for the purpose of providing simple and convenient dialing to users.

Regarding claims 8, 20 and 23

Strauss teaches the failed calls comprise one or more of busy calls and unanswered calls (col. 12 lines 63-66, "If the called party fails ... to its ISP Server 416").

Regarding claim 19

Lawlor teaches the online session data includes a phone number (col. 31 line 51).

Regarding claim 21

Strauss teaches receiving the call details from a telephone service provider (col. 8 lines 7-14, "the PC Server A is ... of the calling party").

Regarding claim 22

Strauss teaches the telephone service provider stores the call details based on a trigger at a Service Switching Point (SSP) (col. 8 lines 35-45, "Each customer of the ... carrier network in New Orleans").

Regarding claim 24

Strauss teaches the online session data is provided by an Internet Service Provider (ISP) (col. 7 lines 1-7, "The local ISP is ... the destination service provider").

Regarding claims 26 and 48

Lawlor teaches the online session data includes a phone number and the end time of an online session (col. 31 lines 48-57).

Regarding claims 27 and 46

Strauss teaches comparing phone numbers in the call details to phone numbers in the online session data (col. 10 lines 3-15).

Regarding claim 29

Lawlor and Strauss do not teach the step of repeating phone calls to users is automated. "Official Notice" is take for the concept and advantage of automatically redial/dial phone calls is well known and expected in the art. U.S. Patent 6,438,599 discloses the telephone initiator can be done automatically by a computer software (see col. 5 lines 42-45).

Regarding claim 47

Lawlor teaches a determination of the time and the time interval since an Internet session was completed (col. 31 lines 52-59).

Regarding claim 49

Strauss teaches the call details include whether a call was busy or unanswered (col. 12 lines 63-66, "If the called party fails ... to its ISP Server 416").

Regarding claim 50

Lawlor and Strauss do not teach comparing the time interval to a threshold to determine whether a specific user is targeted for a repeat call. "Official Notice" is take for the concept and advantage of the time interval in automatically redial/dial phone calls is well known and expected in the art. U.S. Patent 6,438,599 discloses the telephone initiator can be done automatically by a computer software (see col. 5 lines 42-45).

Response to Arguments

In the remark the applicant argues that cited reference fails to disclose:

I) "detecting whether a user has ended an online session so that a call can be placed to the user after the online session has ended" as to all the independent claims.

II) "comparing online session data to data of failed calls" as to claims 18.

In response to applicant's argument,

I) Prior art Lawlor (USPN 5,870,724) discloses a central computer 52 is utilized for providing advertisers with user information such as name and telephone number in "real-time" so that the advertisers can call the user as soon as the user disconnects his terminal to free up the telephone line. It should be clear to one of ordinary skill in the art that since the advertiser is receiving real-time information about the user who is currently online, the information of when the user is getting offline (recent ended the online session) must also be provided because there is

no other way for the advertisers to know of exactly when the user has terminated his online session except for receiving this information from central computer 52. Thus, the central computer 52 is detecting whether a user is online and has recently ended an online session so that advertisers can place a call as soon as the user is disconnected from his online terminal.

II) Prior art Strauss (USPN 6,272,126) teaches detecting a busy signal and sent the detected information to the original Internet Service Provider (ISP) for performing necessary translations before a busy datagram can be delivered to the originated PC Server A where notification of the busy (failed) call is sent to the calling party (see column 10 lines 3-13). It should be noted that since Strauss is placing calls using Voice over IP (VoIP) technology, one of ordinary skill in the art would recognize that these calls are connected using internet "online sessions". In addition, when translating the busy signal, the ISP should at least compare the signal against the current online session in which has established the failed call (e.g. PC Server A) so that it can generate and deliver a datagram regarding the failed call to that online session. And finally, the online session sends a pre-stored voice message to the calling party notifying of a busy call. Thus, Strauss teaches comparing online session data to data of failed calls as claimed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.** Responses may also be faxed to the **official fax number (571) 273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

November 29, 2005

Anthony Knight
Supervisory Patent Examiner
Group 3600